

BOARD OF SELECTMEN

November 24, 2015

Minutes

The Board of Selectmen met on Tuesday, November 24, 2015 at 6:45 p.m. in the Town Hall Clark Room. Those present were Selectmen John Gorecki, Vanessa Hunnibell Moroney, Nathan Brown, Lyn Lemaire and Claude von Roesgen. Town Administrator Timothy D. Goddard was also present.

Executive Session

At 6:45 p.m. a motion was made by Mr. Gorecki to enter into Executive Session pursuant to MGL Ch. 30A, §21 (a) paragraph (2) to discuss strategy with respect to bargaining with a nonunion employee, specifically Police Lt. Leo Crowe, as an open meeting may have a detrimental effect on the Town's bargaining and position and that afterwards the Board will return to open session. The motion was seconded by Mr. Brown and the following roll call vote was taken: Moroney – aye; Gorecki – aye; and Brown – aye. (Ms. Lemaire and Mr. von Roesgen joined the Executive Session while it was in progress)

Also in attendance:

Dr. Chantal Nouvellan

Larry Bearfield, Ferns Country Store

Peter Gambino, Chair-Planning Board

Lee Tatistcheff, Chair-Conservation Commission

Simon Platt – Audit Committee

Deb Belanger – Audit Committee

Larry Barton – Finance Director

Dan Cook, Energy Task Force

Bob Zogg, Energy Task Force

Rick Amodei, Recreation Commission

David Freedman

Lt. Leo Crowe – Labor Contract

Mr. Gorecki said the over past three months we have met with Lt. Leo Crowe to negotiate a five year labor contract. He said prior to this meeting while in Executive Session the Board voted to approve a new five year contract with Lt. Crowe. Mr. Gorecki spoke about some of the points in this contract. He said this contract is retro-active from July 1, 2015.

Community Input

Dr. Nouvellan spoke to the Board of Selectmen about the process she has gone through in trying to build her home on Hanover Road. She described the problems she has recently had with the Police asking her to leave her house while she was cleaning the inside. Dr. Nouvellan also said she has not been able to acquire certain documents from the Board of Health and they will not allow her to see her file.

Board of Selectmen

November 24, 2015

Approved: 1/12/16

Larry Bearfield from North Road thanked the new Veteran's Committee for including the Town's veterans in our recent Veterans Day event. He was very pleased that the Town has done something on this day to acknowledge our Town's Veterans.

On another matter, Larry asked the Board's approval to hold the Holiday Tree Lighting event on Tuesday, December 8th at 6:00 p.m.

On a motion made by Mr. Brown and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve use of the Town Common on Tuesday, December 8, 2015 at 6:00 p.m. for the Christmas on the Common and Tree lighting event.

2016 Annual Licenses

Larry Bearfield, owner of Ferns Country Store was present for the renewal of the following three (3) annual licenses: Off-premise/Beer and Wine License, Common Victualler's License, and Carry-In Liquor License.

On a motion made by Mr. Brown and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the renewal of the Off-Premise License application for Carlisle Center Ventures, LLC, doing business as Ferns Country Store as presented.

On a motion made by Mr. Gorecki and seconded by Ms. Lemaire, it was unanimously **VOTED** to approve the application for a Common Victuallers License as presented by Carlisle Center Ventures, LLC, doing business as Ferns Country Store.

In regard to the Carry-In Liquor License, (BYOB) Larry briefly discussed a proposal to change the hours on this license. He said the changes to the hours would make them consistent with the Wine & Beer hours. Mr. Gorecki said he understood the reasons for making the proposed amendments however he would like to make the annual approval of the current BYOB license and at a future meeting discuss the proposed amendments.

On a motion made by Ms. Lemaire and seconded Mr. Gorecki, it was unanimously **VOTED** to approve the current Carry-In Liquor License for the Carlisle Center Ventures, LLC, doing business as Ferns Country Store. It was decided that the request for additional hours will be discussed at a future meeting

Continued Site Plan Review Hearing – Till, Inc., 338 Bedford Road

Mr. Gorecki opened the continued public hearing for the Site Plan Review of the Group Home located at 338 Bedford Road, Carlisle. Planning Board chair Peter Gambino spoke about the memo [attached hereto] from Planning Administrator George Mansfield relative to the Planning Board's recommendations to the Board of Selectmen for the Site Plan Review. He said the Planning Board recommends that the use be categorized as a non-profit educational facility, as this is the only way it can meet the requirements of the Zoning Bylaws, Sec. 3.2.1.3, as determined by Town Counsel. Peter said this property therefore falls under the Dover Amendment, which allows reasonable regulations to be imposed by localities concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, building coverage, and parking requirements. He said the Planning Board believes that the plans, as submitted, are sufficient in all of these aspects except for parking requirements. The issues were related to adequate parking spaces and the space behind the parking [a two-way transit zone]. Peter noted that the Plan should reflect accurately what is being built. It should also include reference for trash removal to make sure the dumpster does not interfere with the parking and transit ways.

Peter said the Planning Board has reviewed an order of conditions prepared by the Conservation Commission. He said there are four areas the Planning Board would like to see listed as conditions. They referred to Stormwater Control; protection of the abutting Fox Hill Conservation land; location of any stockpile areas; and, location and direction of light fixtures.

Mr. Gorecki said these conditions are not affecting anything we can regulate. He added that we have a proposed certificate of decision [attached hereto]. He said Condition is #3 under the certificate of

decisions states that the building commissioner may administratively approve *de minimis* changes to the applicable Site Plans that are made by the Applicant in response to a condition(s) imposed by the Conservation Commission or Board of Health.

Mr. Gorecki asked Lee Tatistcheff, chair of the Conservation Commission if anything in their hearings had any effect on the number of parking spaces. Lee said their concern is the amount of hard-scape that is dumping water into catch basins that may or may not filtrate into the wetland area. Decreases are good, increases are bad.

Ms. Lemaire asked a few questions about soil. Lee said the Conservation Commission relies on peer reviews regarding soil matters. After a brief discussion on soil, Ms. Lemaire felt that there was a huge issue regarding many aspects to drainage that have not been vetted.

Town Counsel said the Board can only act on the plan that was submitted by the applicant.

Peter asked the Selectmen to get a statement relative to public safety, from the Carlisle Housing Authority and Till that they are willing to work with the Town and analyze the issues relative to the intersection at Rte. 225. Mr. Gorecki said he would be willing to work with them.

Peter said in regard to the memo [attached hereto] from Selectman Lyn Lemaire, the Planning Board agrees with many of the points listed in same. The last point listed in this memo referred to the submission of an 'Invalid Site Plan Review Application' by Till, Inc. as Ms. Lemaire pointed out that the applicant's name was not on the application and Housing Trust member Karina Coombs signed the application. Elizabeth Barnett said a representative from Till came to Town Hall on September 24, 2015 to submit the application however that representative was told that the application would not be accepted until someone from the Housing Trust signed same. Karina Coombs came into Town Hall the next day and signed the application. Elizabeth added that no Trust Fund monies have been spent on a development impact report, or any aspects relative to this application. There was an opposing view by Peter Gambino regarding the acceptance of the application by the Planning Board staff.

Peter said the Planning Board felt that the application was inconsistent across all of the different Boards. He urged the Selectmen to get a plan that is more consistent and – before this is approved the Planning Board strongly recommended that the Selectmen continue to get all of the plans in one final version that is consistent with houses that are actually built.

Ms. Lemaire urged the Board not to close the public hearing, to start all over, and ask the Affordable Housing Trust to meet and turn-over the ownership of the property to the Town.

Atty. Harrington said the important document is the decision. The current decision identifies the proper applicant and the proper owner. The application is now over and we are at the decision point. He said it would be a harsh decision to take to ask the applicant to start over.

Mr. Gorecki said he was in favor of closing the public hearing, and preparing a set of conditions that addresses what we can regulate and that will only affect the things we can regulate.

Ms. Lemaire said there are too many decisions that we are waiting for to close the hearing now.

Mr. Gorecki said the only thing we can place a condition on is the parking.

Alan Lehotsky, chair of Housing Authority said he has not accused anyone of being prejudice. He said we risk being guilty of discrimination if we don't do things that are similar to all other projects.

Till is a non-profit and at this point has spent over one hundred thousand dollars on this project and attended fourteen (14) meetings, including 3 multi-board meetings, his concern was if the public hearing is continued, Till will pull out of the project.

On a motion made by Mr. Brown and seconded by Mr. von Roesgen, it was unanimously **VOTED** to continue the Site Plan Review discussion until later in the meeting in order to meet with the Audit Committee at their scheduled time.

Audit Committee – FY Audit Report

Deb Belanger and Simon Platt were present from the Audit Committee to discuss the Audit Report and the Financial Statements for FY 15 prepared by Town Auditors CliftonLarsonAllen. The

following three documents were presented: 1) Report on Internal Controls, 2) Management letter, and 3) Financial Statements. Simon gave an overview of the process. He said the Audit was done on a timely basis. He said it was a clean Audit, and a clean audit opinion which is a good reflection on the Finance Department.

Simon highlighted some areas in these reports. He referenced the Management's Discussion and Analysis where a change was made from last year. Simon said the Town has implemented GASB Statement No. 68, Accounting and Financial Reporting for Pensions [an Amendment of GASB Statement No. 27]. He said this resulted in the recognition of the long-term obligation for pension benefits as a liability and restatement of the 2014 total net position. The liability at June 30, 2015 was \$7.9million. He said the Town is working on how to pay that obligation. Simon spoke about the General Fund trends. He referred to the total general fund (operating) unassigned fund balance. He said, what we are looking for is how much does the Town have in reserve accounts such as the stabilization fund. He said the view is that a good range is between 10 to 15%. The Town is in the 14% range, which is good.

Simon referred to Deposits and Investments. He said the Town does not have a policy for custodial credit risk of deposits. Simon said as of June 30, 2015, \$6,681,137 of the Town's bank balance of \$10,004,152 was uninsured and uncollateralized.

Simon said the Financial Statement is a good summary document that shows where we stand as a Town and its financial perspective.

The Audit Committee noted again that the Town does not have a policy for interest rate risk of debt securities. Larry Barton said the Investment Advisory Committee should address this matter. Larry will work on a draft document for Policy and Procedures.

Simon said the Committee is suggesting that the Town work on the following three items: 1) the pension obligation; 2) succession planning for the [retiring] Finance Director, and 3) the IT security matter.

Simon said the Audit Committee unanimously recommends the Board of Selectmen accept these three documents. Deb said the Audit Committee would like to come back to the Board of Selectmen before the next audit season to discuss the Auditor's contract [it ends with the completion of this Report] and they will make a recommendation at that time. Simon said they believe the right course of action is to have another three year contract with the current Auditors for stability purposes and to avoid going out to bid for this service.

Mr. Gorecki suggested forming a working group for the Finance Director position.

On a motion made by Mr. Gorecki and Mr. Brown, it was unanimously **VOTED** to adopt the Basic Financial Statements and Required Supplementary Information, Management Letter and the Independent Auditors' Report on Internal Control over Financial Reporting and Compliance as presented this evening.

Continued Site Plan Review Hearing – Group Home on Bedford Street

Mr. Gorecki re-opened the Site Plan Review Hearing. David Freedman suggested the Board close the Site Plan Review public hearing. He said in terms of what can be regulated, that is the parking, the Board has a few options in this condition to consider. He said the Conditions should include specific areas regarding the parking, adequate spaces for vehicle exit and entrance, the Board's right to require lines for parking in the driveway for fire department access, and ask the applicant to acknowledge the Town's concerns over safety and stormwater issues.

Ms. Lemaire's concern was that the stormwater drain analysis, which is not done. She said the application is wrong because it does not reflect what is up there, the use, or the zoning.

Attorney Harrington said the decision is the final word. He said the Board cannot tell the applicant what to put on the application. If there are mistakes on the application, the Board can ask that they be corrected or you can correct them in the decision. Attorney Harrington said the decision is the final word on the document.

Mr. Gorecki suggested a motion that would close the public hearing.

On a motion made by Ms. Lemaire and seconded by Mr. von Roesgen it was **VOTED 1 yes 4 no** to continue the Site Plan Review Public hearing to December 8, 2015.

Ms. Lemaire asked for one of the conditions to state that Till can be the only developer on this property. Attorney Harrington said Till can sell the lease only with the permission of the Housing Authority, but only for the development of a group home.

On a motion made by Mr. Brown and seconded by Mrs. Moroney, it was **VOTED 4 yes 1 no** to close the Site Plan Review public hearing.

Mrs. Moroney the Board will table the discussion on the conditions for this project until December 22, 2015. The Board has 60 days to issue an Order of Conditions after the public hearing has been closed.

Town Counsel – Form of Government discussion

Mrs. Moroney said in regard to our ongoing goal of looking for ways to improve the efficiency of Town Hall, she has started to explore the idea of migrating from a Town Administrator organizational structure to a Town Manager structure. Mrs. Moroney said Attorney Harrington is present to discuss the process for making such a move from Town Administrator to Town Manager.

Ms. Lemaire believed that holding this discussion now would not be fair notice to the Towns residents and that this discussion should have been advertised in the *Mosquito*. Mrs. Moroney replied that this is a preliminary discussion.

Attorney Harrington said the town manager form of government is not allowed by statute. He described the two ways to proceed with this matter; 1) is to prepare a Charter for the Town [Carlisle does not have one]. It is similar to the Town's constitution, and 2) through a special act. Attorney Harrington said the charter process would take about two years and is a long detailed procedure which he would not advise pursuing. He added that the Special Act would be less involved and more expeditious.

In response to Ms. Lemaire, Attorney Harrington explained what the differences/changes were between a Town Administrator and a Town Manager. As a Town Manager, Mr. Goddard would be the chief operation officer (COO). He would have the authority to hire employees [all or some] and supervise employees. Attorney Harrington said these are choices that need to be made regarding what authority should be given to the Town Manager and what authority you want your elected and appointed Boards to have. He said in this instance you are reinforcing that the Boards are here for strategy, policy and permit granting. In many towns, the Town Manager drafts the budget.

Attorney Harrington said he believes that most of the discussions will be about whom the Police Chief and Fire Chief report to, and what the regulatory Boards think about giving up some control. It was noted that the Schools would remain the same however the Library may come under this structure.

Attorney Harrington said the first step would be to draft an article for the Town Meeting warrant. The Special Act will state that the Town of Carlisle has the authority to adopt a Town Manager form of government. The Special Act will list the special authorities the Town Manager has, or it can say – 'see the by-laws'.

Attorney Harrington suggested that the Board appoint a committee consisting of members from the Planning Board, Zoning Board of Appeals and DPW to discuss this issue and what it means to them. Mrs. Moroney would like to discuss this matter again at the Board's next meeting.

Energy Task Force – Heat Pump Challenge

Dan Cook and Bob Zogg were present from the Energy Task Force. Bob presented a power-point presentation about Heat-Pumps. He began by briefly going over the accomplishments made by the Energy Task Force. Bob explained why the Task Force has taken on the Heat pump Challenge. He said about 48% of Carlisle resident's heat their homes with fuel oil, propane or electric resistance.

Bob said high efficiency heat pumps will decrease the greenhouse gas emissions, cut heating costs and can be powered by solar PV. He said heat pumps move the heat from a cold place to a hot place. He said there are two types of heat pumps; the kind that work with ducts in the home and the kind that don't. Bob said the Task Force is working with the Town of Concord on this initiative. He said their goal is having 50 homes with air-source heat pumps and 100 homes with heat-pump water heaters. They would like to propose a program manager who would: secure and manage multiple installers; provide outreach and marketing; track and report progress; and, ensure quality control. This program would run for two years. The cost will be shared by the Town of Concord and it is estimated that Carlisle would be responsible for \$26,000 - \$32,000 over 2 years.

Ms. Lemaire suggested having a trade show with various heat pumps available and information on same instead of hiring a program manager.

Mr. Gorecki said we have an employee, Pam Cady that we share with Concord (one day a week). He wanted to know if the Program Manager position was a position this employee could do as well. Mr. Gorecki said this would save the Town a considerable amount of money. Bob was not sure if she would have enough time to do both jobs.

Mr. Gorecki said this program would cost a lot of money with no return to the Town. He suggested the Board discuss this matter again and that the Finance Committee listen to this proposal.

Bill Risso, Energy Task Force said that from his perspective, the Energy Committee did not sponsor asking the Town for any funds. He suggested that the Energy Task Force Committee discuss this matter again.

Recreation Commission – Field Study

Recreation Commission chair Rick Amodei and David Freedman were present to discuss the Field Study Report. Rick said a draft report was submitted by Gale Associates, Inc. in the spring. Rick said the RecCom is meeting next week and the draft report will be addressed then. He said this report will provide information necessary for the Town to determine how to go forward with recreation fields. Mrs. Moroney asked if they believed Gale would come to the Board of Selectmen's meeting on January 26th and present the Study. David said the earliest Gale would be able to come here would be in late February.

Mrs. Moroney asked Rick to come back to the Selectmen's second meeting in January with a progress report on this Study.

Discussion of draft Noise Control By-law

David Freedman was present for the draft noise control by-law discussion. He said the Noise Control by-law working group was formed by the Board of Selectmen in March 2015 to look at noise issues, noise health issues and noise as a nuisance. He said he and committee members Peter Mastromarino, Ginny Lamere, Cathy Galligan, and John Gorecki met ten times. David said they reviewed by-laws of communities across the state, specifically those relative to rooster and construction noise. David said the intent was not to include generators, snow blowers and chain saws. He said they also did outreach to the residents and received about 10 responses. David spoke briefly about who would enforce the by-law if it was passed. He said the committee was responding to the Selectmen's request, however they were concerned that the community may be becoming over-regulated and that perhaps people should deal with these matters on their own.

Mr. Gorecki said due to the lateness of the hour this discussion should continue to the Board's next meeting. David suggested having a Town discussion on this issue before Town Meeting. The Selectmen supported having a meeting with public input. The Board agreed to continue this discussion on December 22nd and have public input in January.

Cemetery Deeds

The Board of Selectmen, as Cemetery Commissioners, made the following deed transfer.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to transfer to Jean D'Urbano of Carlisle, Massachusetts Deed No. 687 for Cemetery Lot D237 Graves 1 and 2 in the Town of Carlisle, Green Cemetery.

Town Administrator Report

1 Town Counsel will provide training for Boards and Committees relative to the Open Meeting Law on Tuesday, December 1st at 7:00 p.m. in the Clark Room. The public is welcome as well.

2 Finance Committee Appointment The Finance Committee has recommended the appointment of Lynne Lipinsky to replace Karen Huntress.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to appoint Lynne Lipinsky to the Finance Committee to complete Karen Huntress' term that will end at the end of the 2018 Annual Town Meeting.

3 Minuteman Building Project update Mr. Goddard said he and Ms. Lemaire recently attended a breakfast meeting at the Minuteman Regional High School. He said Superintendent Bouquillon spoke about their strategy to secure MSBA support for their building project. Mr. Goddard said the Minuteman School Committee will vote to approve the borrowing for the project and then begin a 60 day statutory period [under MGL 71, s.16 (d)] during which the 16 member towns may call a special Town Meeting to disapprove the project funding. He noted that not calling a special Town Meeting is also considered an implied 'non-disapproval'. Mr. Goddard said if a single town disapproves of the project then the Minuteman administration will seek the route of the district-wide referendum, which is permitted under MGL 71, s.16 (n). Mr. Goddard said the Board may want to discuss sending a letter to the Regional School Committee regarding this issue

Liaison Reports

Mrs. Moroney and Ms. Lemaire attended the Financial Management Team meeting this morning. The following items were reported from that meeting. Ms. Lemaire had questions about the Board of Health and Conservation Commission's staff and what happens in the event that they do not have enough hours to complete their work. It was suggested that Ms. Lemaire contact the Personnel Board and Finance Committee to find possible solutions. The tax rate was certified at \$17.20. The Finance Director is addressing the outstanding taxes that are due from eleven properties. The Community Preservation Act funds were received in the amount of \$118,000. The FY16 tax bills will go out on January 1st. The Finance Committee met with the Carlisle Public School, Council on Aging and the Regional School Committee. It was noted that the budget request from the RSC was lower than last year at 3.12% however this did not reflect the cost for the landfill mitigation.

The Town Clerk is still accepting applications for the assistant Town Clerk position. The Carlisle Public School is scheduled for an Audit on Dec. 16th. The Town Accountant is working on Schedule 'A'.

The meeting adjourned at 11:55 p.m.

Respectfully submitted by Margaret Arena